IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2503 OF 2000

Bansilal S.Panjabi & Ors. ...Petitioners.

Vs.

Mahadeo Zaku Gawand & Anr. ...Respondents.

.....

Mr.R.V.Govilkar for the Petitioners.

Mr.R.S.Datar for Respondent No.1.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

February 4, 2005.

P.C. :

At the hearing of the Petition, Learned Counsel appearing on behalf of the First Respondent states that he withdraws his challenge to the Notification dated 17th July 1998 (Exh.D) by which in exercise of the power conferred by Section 4(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the property comprising of Survey Nos.149, 149/1 to 26 situate at village Bhandup, Gawand Compound,

Tembhipada, admeasuring 160.9-4 sq.mtrs. was declared as a slum. In view of the statement which has been made by Counsel appearing on behalf of the First Respondent on the instructions of the First Respondent, the impugned order dated 29th August 2000 of the Presiding Officer of the Maharashtra Slum Areas (I.C.&R.) Tribunal, Mumbai in Appeal No.33 of 1998 will have to be quashed is accordingly quashed and set aside. Counsel appearing on behalf of the First Respondent states that the First Respondent intends to submit a Slum Rehabilitation Scheme for the approval of the Slum Rehabilitation Authority, the Third Respondent. The Petitioners before the Court who are occupants of Survey No.149 state that they have no objection if the scheme is submitted and they shall cooperate with the First Respondent in the implementation of the Scheme. The First Respondent furnishes an undertaking to the Court through Counsel, to the effect that the First Respondnt shall not transfer or assign his obligations under the sanctioned scheme without the prior permission of the Third Respondent and subject to the condition that the assignee, if any, shall take over all the obligations under the sanctioned scheme. The undertaking is accepted. The Third Respondent states that in the event that the scheme is

sanctioned in accordance with law and if any application for assignment of the obligation of the First Respondent is made before the Third Respondent, the Third Respondent shall ensure that the obligations under the sanctioned scheme are duly assumed by the transferee in accordance with law.

The First Respondent states through Counsel that in view of the cooperation which has been agreed to be extended by the Petitioners to the First Respondent in the implementation of the proposed Slum Rehabilitation Scheme, all the proceedings pending before the Court of Small Causes against the Petitioners will be withdrawn.

In view of the aforesaid arrangement which is arrived at between the parties, the Petition is disposed of since no other point is pressed.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

NOTICE OF MOTION NO.630 OF 2004

IN

WRIT PETITION NO.2503 OF 2000

Bansilal S.Panjabi & Ors. ...Petitioners.

Vs.

Mahadeo Zaku Gawand & Anr. ...Respondents.

.....

Mr.R.V.Govilkar for the Petitioners.

Mr.R.S.Datar for Respondent No.1.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

February 4, 2005.

P.C. :

In view of the disposal of the Writ Petition, the Notice of Motion does not survive and is accordingly disposed of.

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